

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

**CHRISTOPHER LACCINOLE,**

Plaintiff,

**v.**

**THE NARRAGANSETT ELECTRIC  
COMPANY d/b/a NATIONAL GRID,**

Defendant.

CIVIL ACTION NO.

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that Defendant The Narragansett Electric Company (“Narragansett Electric” or “Defendant”)<sup>1</sup> pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446, for purposes of removing this case to the United States District Court for the District of Rhode Island, states the following:

**I.**

By undated Complaint with a summons dated November 1, 2021, Plaintiff Christopher Laccinole (“Plaintiff”) commenced an action in the Superior Court for the County of Washington in the State of Rhode Island, captioned as Christopher Laccinole v. The Narragansett Electric Company d/b/a National Grid, Civil Action No. WC-2021-0490 (the “State Court action”). A copy of Plaintiff’s Summons and Complaint is attached as Exhibit A. The Complaint asserts twenty-two claims against the Defendant, and in all of which the Plaintiff alleges claims for violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”). The nature of Plaintiff’s allegations is stated more fully in the Complaint. Defendants deny any

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<sup>1</sup> The complaint in this matter identifies the defendant as “The Narragansett Electric Company d/b/a National Grid.”

and all liability for Plaintiff's claims, and have valid defenses thereto. The above-described action is a civil action that may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1331 based on federal question jurisdiction.

## **II.**

Defendant was served with the Summons and Complaint through Corporation Service Co. on November 2, 2021. On November 13, 2021, Plaintiff filed a Proof of Service in the State Court action.

## **III.**

This Notice of Removal is timely filed. U.S.C. Title 28, § 1446(b) requires that a Notice of Removal be filed within thirty (30) days from receipt of a pleading establishing federal jurisdiction. Thirty days from the date on which Defendants were served with the Complaint falls on December 2, 2021. No prior removal of this action has been attempted.

## **IV.**

This United States District Court for the District of Rhode Island has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 on the ground that it asserts a federal question because Plaintiff's Complaint asserts causes of action under a federal statute, specifically, 47 U.S.C. § 227 *et seq.* Accordingly, this action is properly removable to this court on the basis of federal question jurisdiction.

## **V.**

As a result of the federal question jurisdiction, the Defendants may remove this action pursuant to 28 U.S.C. §§ 1441 and 1446.

**VI.**

This action is removable to this Court pursuant to 28 U.S.C. § 1441(a) in that the captioned District Court sits in the district and division embracing the place where the State Court action is pending.

**VII.**

Defendants appear herein by and through their attorneys specifically and solely for the purpose of removing the State Court action to the District Court.

**VIII.**

Promptly after filing this Notice for the removal of the State Court action, Defendants will give written notice of such filing to the Plaintiff and will file a copy of the Notice of Removal with the Clerk of the State Court, which shall effect the removal of the State Court action, and the State Court shall proceed no further unless and until the case is remanded.

**IX.**

Pursuant to Local Rule 81(b), Defendants are requesting that a certified copy of the docket sheet and all documents filed in the State Court Action from the Clerk of the Washington County Superior Court and will file the same with this District Court upon receipt.

WHEREFORE, The Narragansett Electric Company prays that this Notice of Removal be accepted as good and sufficient, that the aforesaid Complaint be removed from the State Court to the District Court for trial and determination as provided by law, and that this civil action proceed as if it had originally been commenced in the District Court.

SO NOTICED this 22nd day of November 2021.

DEFENDANT, THE NARRAGANSETT  
ELECTRIC COMPANY

By their attorneys,

/s/ Joseph K. Scully

Joseph K. Scully (#6217)

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DAY PITNEY LLP

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Providence, RI 02903

Telephone: 401-283-1234

DATED: November 22, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic (NEF), and that a paper copy of the removal papers are being served by regular mail on:

Plaintiff Christopher Laccinole  
22 Othmar Street  
Narragansett, RI 02882

/s/ Joseph K. Scully

Joseph K. Scully